

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRADLEY T. SHAW,

Petitioner,

v.

JERI BOE,

Respondent.

CASE NO. 2:24-cv-01296-LK-DWC

ORDER STAYING THE CASE


The District Court has referred this action filed to United States Magistrate Judge David W. Christel. Petitioner Bradly T. Shaw, proceeding *pro se*, seeks federal habeas relief from a state court conviction under 28 U.S.C. § 2254. Currently before the Court is Petitioner's Motion to Stay and Abey Proceedings so that he may exhaust his state court remedies. Dkt. 8.

District courts may use a "stay-and-abeyance" procedure while a petitioner exhausts his claims in state court. *Rhines v. Weber*, 544 U.S. 269, 275-77; *Calderon v. United States District Court (Taylor)*, 134 F.3d 981, 988 (9th Cir. 1998). Petitioner argues a stay is proper in this case because he has a personal restraint petition ("PRP") pending in Washington state courts. Dkt. 8.

Respondent Jeri Boe responded in support of Petitioner's request for a stay,<sup>1</sup> arguing a stay of these federal habeas proceedings will promote comity between state and federal courts while preserving Petitioner's access to federal review. Dkt. 9 at 2. Respondent notes that the PRP identified in Petitioner's Motion appears to be the first collateral challenge Petitioner has made to his underlying convictions in state court. *Id.* (Cause No. 87152-8-I). If this matter is stayed, Respondent requests his answer to Petitioner's federal habeas Petition be due 45 days after the stay is lifted. *Id.* at 2. Also, Respondent asserts that he preserves all defenses based on exhaustion and procedural default available under 28 U.S.C. § 2254(b)(3). *Id.* at 3.

Upon agreement of the parties and review of the relevant record, the Motion to Stay and Abey Proceedings (Dkt. 8) is granted. The Clerk of Court is directed to enter a stay in this case. Respondent is directed to file a report every ninety (90) days informing the Court of the status of Petitioner's state court proceedings. The first status report is due on or before January 31, 2025, and shall include the state court cause number(s) for those proceedings. If the state court dismisses or resolves Petitioner's state court proceedings, Respondent is directed to inform the Court and file a motion to lift the stay within 30 days of the state court taking such action. Respondent's answer shall be filed 45 days after the stay is lifted.

Dated this 31st day of October, 2024.



David W. Christel  
United States Magistrate Judge

<sup>1</sup> The Court notes Respondent's response was untimely and filed one day before the Motion was ready for the Court's consideration. As the Court is granting Petitioner's request for a stay, the Court finds it is not necessary to provide Petitioner additional time to file a reply. Even so, the parties are directed to ensure all future filings comply with the timelines established in the Local Civil Rules. *See* Local Rule W.D. Wash., LCR 7(d).